

United States Bankruptcy Court  
Northern District of Ohio

In re:  
Richard M. Osborne  
Debtor

Case No. 17-17361-aih  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0647-1

User: cille  
Form ID: pdf810

Page 1 of 2  
Total Noticed: 21

Date Rcvd: Jul 02, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 04, 2019.

db +Richard M. Osborne, 7265 Markell Road, Waite Hill, OH 44094-9312  
aty +Frederic P. Schwieg, 2705 Gibson Drive, Rocky River, OH 44116-3008  
aty +Gregory M. Dennin, Dennin & Dennin, 2745 Main Street, Lake Placid, NY 12946-3559  
cr +CSX Transportation, Inc., c/o McGuireWoods LLP, 50 N. Laura Street, Suite 3300,  
Jacksonville, FL 32202-3661  
cr +Center Street School Condominiums and coachhouses, Kaman & Cusimano, LLC,  
50 Public Square Suite 2000, Cleveland, OH 44113-2215  
cr +Chicago Title Insurance Company, 2533 North 117th Avenue, Omaha, NE 68164-3679  
cr Citizens Bank, N.A., c/o Michael S. Tucker, Esq., 1660 West 2nd Street, Suite 1100,  
Cleveland, OH 44113-1448  
cr +City of Willoughby, One Public Square, Willoughby, OH 44094-7827  
cl +Diane M. Osborne, 8255 Morley Road, Mentor, OH 44060-8033  
cr +Estate of Jerome T. Osborne, c/o Kirk W. Roessler, Esq., 1301 East Ninth Street Suite 3500,  
Cleveland, OH 44114-1838  
cr +First National Bank of Pennsylvania, c/o Buckingham, Doolittle & Burroughs,  
1375 East 9th Street Suite 1700, Cleveland, OH 44114-1790  
intp +Gas Natural Inc., 1375 E Ninth Street Suite 3100, Cleveland, OH 44114-1797  
res +Home Savings Bank, Successor by Merger to The Home, 275 Federal Plaza West,  
Youngstown, OH 44503-1200  
intp +Lakeland Community College, c/o Alison L. Archer, Assistant Attorney General,  
615 W. Superior Ave., 11th Floor, Cleveland, OH 44113-1899  
cr +Michael E. Osborne, Sr., 7670 Tyler Blvd., Mentor, OH 44060-4853  
cr +Ohio Department of Taxation, c/o William C. Huffman, 24441 Detroit Road, Suite 300,  
Westlake, OH 44145-1543  
cr +Osborne Farms, LLC fka Huron Lime Company, LLC, c/o Kirk W. Roessler, Esq.,  
1301 East Ninth Street Suite 3500, Cleveland, OH 44114-1838  
acc +Rea & Associates, Inc., Critchfield, Critchfield & Johnston, 225 North Market Street,  
Wooster, OH 44691-3511  
app +Scott Hivnor, Advanced Appraisal Services, 37721 Vine Street Suite 3,  
Willoughby, OH 44094-6256  
cr +The Huntington National Bank, c/o Timothy P. Palmer, Esq., Buchanan Ingersoll & Rooney PC,  
One Oxford Centre 20th floor, Pittsburgh, PA 15219-1400

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

intp +E-mail/Text: OHAGCEBKYEEN@ohioattorneygeneral.gov Jul 02 2019 23:03:21  
Lakeland Community College, c/o Alison L. Archer, Assistant Attorney General,  
615 W. Superior Ave., 11th Floor, Cleveland, OH 44113-1899  
intp +E-mail/Text: ecf@buckleyking.com Jul 02 2019 23:03:24 Zachary B Burkons,  
c/o Buckley King LPA, 600 Superior Ave., Suite 1400, Cleveland, OH 44114-2693  
TOTAL: 2

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Bank of America, N.A.  
cr Mentor Lumber & Supply Co.  
cr Nationwide Mutual Fire Insurance Company  
cr Tax Ease Ohio, LLC

TOTALS: 4, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 04, 2019

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 2, 2019 at the address(es) listed below:

Adam S. Baker on behalf of Creditor Michael E. Osborne, Sr. abakerlaw@sbcglobal.net, adam@bakerlaw.us; abakerlaw@gmail.com  
 Alison L. Archer on behalf of Interested Party Lakeland Community College alison.archer@ohioattorneygeneral.gov, Trish.Lazich@ohioattorneygeneral.gov; angelique.dennis-noland@ohioattorneygeneral.gov  
 Andrew M. Tomko on behalf of Creditor Tax Ease Ohio, LLC atomko@sandhu-law.com, bklnotice@sandhu-law.com  
 Austin B. Barnes, III on behalf of Creditor Tax Ease Ohio, LLC abarnes@sandhu-law.com, bklnotice@sandhu-law.com  
 Christopher J. Klym on behalf of Creditor Ohio Department of Taxation bk@hkhkwlaw.com  
 David M. Neumann on behalf of Interested Party Zachary B Burkons dneumann@meyersroman.com, jray@meyersroman.com; mnowak@meyersroman.com  
 David T. Brady on behalf of Creditor Tax Ease Ohio, LLC DBrady@Sandhu-Law.com, bklnotice@sandhu-law.com  
 Dennis J. Kaselak on behalf of Defendant Diane M. Osborne dkaselak@peteribold.com, Cynthia@peteribold.com  
 Dennis J. Kaselak on behalf of Claimant Diane M. Osborne dkaselak@peteribold.com, Cynthia@peteribold.com  
 Frederic P. Schwieg on behalf of Debtor Richard M. Osborne fschwieg@schwieglaw.com  
 Frederic P. Schwieg on behalf of Defendant Richard M. Osborne fschwieg@schwieglaw.com  
 Frederic P. Schwieg on behalf of Cross-Claimant Richard M. Osborne fschwieg@schwieglaw.com  
 Frederic P. Schwieg on behalf of Attorney Frederic P. Schwieg fschwieg@schwieglaw.com  
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 Heather E. Heberlein on behalf of Creditor First National Bank of Pennsylvania hheberlein@bdblawn.com, vgum@bdblawn.com  
 Jeffrey C. Toole on behalf of Interested Party Zachary B Burkons toole@buckleyking.com, young@buckleyking.com  
 Jerry R. Krzys on behalf of Plaintiff Home Savings Bank jkrzys@hendersoncovington.com, jerrykrzys@gmail.com  
 John J. Rutter on behalf of Creditor Mentor Lumber & Supply Co. jrutter@ralaw.com  
 Kelly Neal on behalf of Creditor The Huntington National Bank kelly.neal@bipc.com, donna.curcio@bipc.com  
 Kirk W. Roessler on behalf of Creditor Estate of Jerome T. Osborne kroessler@walterhav.com, kballa@walterhav.com; slasalvia@walterhav.com  
 Kirk W. Roessler on behalf of Creditor Osborne Farms, LLC fka Huron Lime Company, LLC kroessler@walterhav.com, kballa@walterhav.com; slasalvia@walterhav.com  
 LeAnn E. Covey on behalf of Creditor Bank of America, N.A. bknotice@clunkhoose.com  
 Leslie E. Wargo on behalf of Cross-Claimant Richard M. Osborne Leslie@Wargo-Law.com  
 Leslie E. Wargo on behalf of Debtor Richard M. Osborne Leslie@Wargo-Law.com  
 Maria D. Giannirakis ust06 on behalf of U.S. Trustee United States Trustee maria.d.giannirakis@usdoj.gov  
 Matthew H. Matheney on behalf of Creditor First National Bank of Pennsylvania mmatheney@bdblawn.com, bhajduk@bdblawn.com  
 Melody Dugic Gazda on behalf of Respondent Home Savings Bank, Successor by Merger to The Home Savings & Loan Company of Youngstown, Ohio mgazda@hendersoncovington.com  
 Melody Dugic Gazda on behalf of Plaintiff Home Savings Bank mgazda@hendersoncovington.com  
 Michael J. Sikora, III on behalf of Creditor Chicago Title Insurance Company msikora@sikoralaw.com, aarasmith@sikoralaw.com  
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 Michael S. Tucker on behalf of Creditor Citizens Bank, N.A. mtucker@ulmer.com  
 Nathaniel R. Sinn on behalf of Creditor First National Bank of Pennsylvania nsinn@bdblawn.com, grichards@bdblawn.com  
 Phyllis A. Ulrich on behalf of Creditor The Huntington National Bank bankruptcy@carlisle-law.com, bankruptcy@carlisle-law.com  
 Rachel L. Steinlage on behalf of Interested Party Zachary B Burkons rsteinlage@meyersroman.com, jray@meyersroman.com; mnowak@meyersroman.com; rbain@meyersroman.com  
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 Richard M. Bain on behalf of Interested Party Zachary B Burkons rbain@meyersroman.com, mnowak@meyersroman.com; jray@meyersroman.com  
 Richard W. DiBella on behalf of Creditor Nationwide Mutual Fire Insurance Company rdibella@dgmbllaw.com  
 Robert D. Barr on behalf of Creditor Chicago Title Insurance Company rbarr@koehler.law, rbarr@koehler.law  
 Scott R. Belhorn ust35 on behalf of U.S. Trustee United States Trustee Scott.R.Belhorn@usdoj.gov  
 Shannon M. McCormick on behalf of Creditor Center Street School Condominiums and coachhouses Unit Owners' Association, Inc. bankruptcy@kamancus.com  
 Stephen John Futterer on behalf of Creditor City of Willoughby sjfutterer@sbcglobal.net, r43087@notify.bestcase.com  
 Stephen R. Franks on behalf of Creditor Bank of America, N.A. amps@manleydeas.com  
 Timothy P. Palmer on behalf of Creditor The Huntington National Bank timothy.palmer@bipc.com, donna.curcio@bipc.com  
 Tricia L. Pycraft on behalf of Accountant Rea & Associates, Inc. tpycraft@ccj.com, bowman@ccj.com

TOTAL: 44

FILED

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

2019 JUL -2 PM 3:08

IN RE RICHARD M. OSBORNE SR.  
*Debtor*

CASE No. 17-17361  
CHAPTER 11  
JUDGE ARTHUR I. HARRIS

U.S. BANKRUPTCY COURT  
NORTHERN DIST. OF OHIO  
CLEVELAND

**RICHARD M. OSBORNE, SR.'S MOTION FOR ORDER DECLARING THAT THE AUTOMATIC STAY,  
11 U.S.C. SECTION 362, DOES NOT APPLY TO CERTAIN STATE COURT LITIGATION**

Richard M. Osborne, Sr., Debtor and Debtor in Possession ("Debtor"), hereby moves this Court pursuant to 11 U.S.C. § 105 for an Order declaring that the automatic stay, 11 U.S.C. Section 362, does not apply to his pursuit of certain state court litigation, namely: *Richard M. Osborne, et al. v. Gas Natural, Inc.*, Cuyahoga County Court of Common Pleas, Case No. CV-17-877354 (*Gas Natural Litigation*) and his claims against Michael J. Gorman, Beth Gorman and Hollie Green Road, LLC that were pending in *Osborne v. Gorman*, Lake County Court of

For the reasons stated in open court on July 2, 2019, the Court grants the debtor's motion for an order declaring that the automatic stay does not apply to certain state court litigation. The Court clarifies that the automatic stay does not apply to the debtor's claims in the Gas Natural Litigation and the Gorman Litigation. In addition, attorney Wuliger has consented to the automatic stay being lifted as to any claims Wuliger may have against the debtor in the Gas Natural Litigation. The state court is free to proceed with both the Gas Natural Litigation and the Gorman Litigation. The bankruptcy court's only qualification is that certain matters (not currently before the state court) can only be pursued before the bankruptcy court. Such matters would include any fraudulent transfer claim against Wuliger under Section 548 of the Bankruptcy Code or an objection to any proof of claim that Wuliger may file in the debtor's bankruptcy case. See Section 502(b)(4) of the Bankruptcy Code.

